

Chairperson John R. Clark
Vice-Chairperson Michael Parks
Parliamentarian Don Maxwell



Commissioners
Michael Beckendorf
John Bond
Helen Chavarria
Ralph Davila
Robert Horton
G.H. Jones

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JULY 17, 2008
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Vice-Chairperson Parks called the regular meeting to order at 6:05 p.m.

Commissioners	Present	2008 Regular Meetings Held	2008 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Yes	14	10	12	9
Johnny Bond	Yes	14	14	12	12
Helen Chavarria	No	14	11	12	9
John R. Clark	No	14	13	12	11
Ralph Davila	Yes	14	14	12	12
Robert Horton	Yes	14	11	12	11
G. H. Jones	No	14	13	12	11
Don Maxwell	Yes	14	10	12	10
Michael Parks	Yes	14	10	12	8

Staff members present: Ms. Lindsey Guindi; Planning Manager; Mr. Martin Zimmermann, Senior Planner; Ms. Julie Fulgham, Project Planner; Mr. Michael Gary, Assistant City Attorney; and Ms. Kelli Hill, Planning Intern.

2. HEAR CITIZENS.

Ms. Rosemary Vollmar, 1304 Finfeather Road, Bryan, came forward to speak about annexation. She presented the Commission with copies of the Texas Local Government Code, specifically sections pertaining to annexation. She stated that she wanted to clarify for the citizens of the community the difference between a planned annexation and an exempt annexation. She then read pertinent portions of the Texas Local Government Code pertaining to annexation.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

There were none.

4. CONSENT AGENDA.

A. Approval of meeting minutes from the workshop and regular meetings on July 3, 2008.

B. Easement Release ER08-01: BCS Development Co.

M. Zimmermann

A request for release of a 20-foot wide general utility easement that extends generally south for a distance of 4,110.07 feet from Sandy Point Road (F.M. 1687), approximately 513 feet southwest from its intersection with North Harvey Mitchell Parkway (F.M. 2818), on 177.64 acres of vacant land out of Hezekiah Jones Survey, A-145 in Bryan, Brazos County, Texas.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Beckendorf seconded the motion.

Vice-Chairperson Parks asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

5. Rezoning RZ08-17: City of Bryan

J. Fulgham

A City-initiated request to change the zoning classification from a combination of Retail District (C-2), Commercial District (C-3) and Residential District – 5000 (RD-5) to Downtown North District (DT-N) on property generally bounded by West 18th Street to the north, West 23rd Street to the South, North Sims Avenue to the west and North Bryan Avenue to the east and being located in or near downtown Bryan, Brazos County, Texas.

Ms. Fulgham presented a staff report (on file in the Development Services Department). Staff believes rezoning the area will help foster the redevelopment of all of Downtown Bryan into a mixed use sustainable neighborhood. Staff recommends approval of the rezoning request for the following reasons:

- expanding the DT-N zoning district will provide more economically feasible alternatives to local businesses wishing to be located in a mixed-use environment;
- approving the request will foster the redevelopment of this area into a mixed-use neighborhood; and
- if the proposed zoning change were approved, staff believes there to be few, if any, effects on other areas designated for similar developments.

Responding to a question from Commissioner Davila, Ms. Fulgham stated that there are properties in the southern portion of downtown and the civic areas of downtown are built out with very few vacant lots. She also stated that there are larger vacant tracts that were purchased by the City and are currently part of an economic development project. Commissioner Davila asked Ms. Fulgham if she had had any responses from the citizens about this agenda item, and she stated that she had received one phone call and one walk-in appointment.

Responding to a question from Commissioner Maxwell, Ms. Fulgham stated that the intent of the request is to still allow primarily residential uses albeit with higher a density, and that existing homes on the properties will still be allowed.

Vice-Chairperson Parks asked if any current properties in the area will become legal non-conforming uses, and Ms. Fulgham stated she was not aware of any.

The public hearing was opened.

Mr. Jackie Curry, 1308 E 21st Street, Bryan, came forward to ask for further information about what is happening with the properties in the area. Vice-Chairperson Parks stated that staff could address his question.

Mr. Jimmy Ford, 2500 Arbor Drive, Bryan, came forward to ask for further understanding of what is happening in the area. He stated that his interest is 700 North Bryan Avenue. He stated, for the record, that he opposed the rezoning at the current time because he does not have enough information to make an informed opinion.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of rezoning request RZ 08-17 to the Bryan City Council, adopting the analysis of staff. Commissioner Beckendorf seconded the motion.

Commissioner Maxwell stated that he thinks this is a move in the right direction to open up the area to improvement of the existing residential areas, as well as the possibility of bringing in other types of uses that are compatible with a residential area.

Commissioner Davila agreed with Commissioner Maxwell, and said that this is good for the City, but stated that he wished the City would have an avenue to help the citizens understand what is happening.

Commissioner Maxwell stated that this rezoning is complicated because of the combining of disparate uses, but that it is a benefit for the citizens.

The motion passed with a unanimous vote.

6. Rezoning RZ08-18: David Jay Dotson

R. Haynes

A request to change the zoning classification from a combination of Residential District (RD-5) and Mixed Use Residential District (MU-1) to Mixed Use Residential District (MU-1) on 10.25 acres of vacant land out of Stephen F. Austin League, No. 9, Abstract 62, adjoining the southwest side of Palasota Drive between Beck Street and McArthur Avenue in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). He stated that staff has worked with the applicant and recommends approval of the zoning change for the following reasons:

- a new home on this property would be appropriate in this particular environment;
- manufactured housing should not appear out of character in this neighborhood, given the existence of other such housing in the area;
- rezoning the subject property to MU-1 District is appropriate in this particular environment and consistent with the land use recommendations and policies articulated in Bryan's Comprehensive Plan and
- this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

Responding to a question from Commissioner Davila, Mr. Haynes stated that this case includes one house on one tract, but if the lot is subdivided at a later date, the applicant could have multiple manufactured homes on the property if the rezoning is approved. Mr. Haynes advised that most of the property is in the floodplain.

Responding to a question from Commissioner Maxwell, Mr. Haynes stated that the applicant is likely to place the house outside of the floodplain.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bond moved to recommend approval of rezoning request RZ 08-18 to the Bryan City Council, accepting the analysis of staff. Commissioner Horton seconded the motion.

Vice-Chairperson Parks asked if there was any discussion. There was none

The motion passed with a unanimous vote.

7. Planning Exception PE08-03: Seledonio and Margarita Dimas

J. Fulgham

A request for approval of an exception to standards of the subdivision ordinance that require the installation of a sidewalk in conjunction with a proposed resubdivision, specifically to not require the construction of a sidewalk along South Coulter Drive with the proposed resubdivision of Lots 1 thru 4 in Block 3 of Cavitt's Southmore Addition located at the south corner of South Coulter Drive and East 33rd Street in Bryan Brazos County, Texas.

Ms. Fulgham presented a staff report (on file in the Development Services Department). She stated that sidewalk construction is part of the cost of redeveloping property. Staff recommends denial of the request for the following reasons:

- this lot is no different than other lots in similarly situated areas, and strict compliance with the subdivision's regulations does not deprive the applicant of the reasonable use of the land;
- in the long term, continued application of the requirement to install sidewalks in conjunction with redevelopment will promote the general welfare of the entire community;

- the construction of a sidewalk does not prevent the property owners from preservation and enjoyment of the property, and
- granting the exception may be detrimental to public health, safety, or welfare of the general public, as well as detrimentally affecting the transportation network in the vicinity.

Responding to questions from Commissioner Davila, Ms. Fulgham stated that the width of the sidewalk is dictated by the classification of the adjoining street and that the long term goal will be a complete sidewalk through reconstruction, redevelopment, replat, or through a capital improvement project.

Responding to a question from Commissioner Maxwell, Ms. Fulgham stated that this is a voluntary replat by the applicant, and that the applicant is combining four smaller lots into two larger ones. She stated that the exception request is a prelude to replat approval at a future meeting.

Responding to a question from Commissioner Beckendorf, Ms. Fulgham stated that one end of the sidewalk would tie into a street at the corner, and the other end would dead-end.

Vice-Chairperson Parks asked if it was conceivable that there would be kids on that side of the street because of the proximity of the school, and Ms. Fulgham said that it was.

Responding to a question from Commissioner Davila, Mr. Zimmermann stated that he suspects the reason for the voluntary replat is for lending purposes. Ms. Fulgham stated that the corner home has existed on the property, but the home on lot 2R is fairly new.

The public hearing was opened.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, came forward to speak in opposition to the exception. She contended that if these exceptions continue to be rewarded, there will never be sidewalks in Bryan. She stated that she hopes the Commission will not grant the exception, and that it is a priority for that area to have sidewalks with the presence of the school.

Mr. Jimmy Ford, 2500 Arbor Drive, Bryan, came forward to comment on the building of sidewalks by the City.

The public hearing was closed.

Commissioner Maxwell moved to deny Planning Exception PE08-03, accepting the findings of staff. Commissioner Davila seconded the motion.

Vice-Chairperson Parks asked if there was any discussion. There was none.

The motion passed with a vote of five (5) in favor and one (1) in opposition. Commissioner Beckendorf cast the vote in opposition.

- 8. Conditional Use Permit CU08-01: Bryan Mid-Towne Apartment Homes, LP M. Zimmermann**
A request for approval of a Conditional Use Permit to allow a new apartment development on property in a Commercial (C-3) zoning district on 20.634 acres of land out of John Austin League, A-2, located at the east corner of Prairie Drive and Osborn Lane in Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Staff recommends approving the request, based on the following findings:

- a new apartment development on the subject property is appropriate in this particular environment and may serve as a transitional land use between more intense commercial uses and less intense, lower density residential uses on adjacent properties.
- a new apartment development at this location would not create greater unfavorable effect or impacts on abutting properties than a large-scale commercial development, e.g. an outdoor theater, lumberyard, or nightclub which all could locate on this property without Conditional Use permit approval;
- in this particular case, a new apartment complex on the subject property will result in a desirable arrangement of land use intensities in this area which is already developed with mostly residential uses; and
- the proposed apartment development will have few (if any) ill effects on properties or improvements in the vicinity.

Mr. Zimmermann advised that staff's positive recommendation is subject to the following conditions:

1. that the apartment development shall generally conform to the site plan attached to the staff report;
2. that a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued;
3. that the apartment development shall generally conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, building elevations, coverage, floor area ratio, access, screening, landscaping, accessory buildings, signs and lighting;
4. that paved off-street parking (asphalt or concrete) for an apartment development on this property shall be provided at a ratio of 1 space per bedroom, unless Bryan's City Council authorizes a variation from this standard; and
5. that all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for construction of an apartment development on this property are issued.

Responding to questions from Commissioner Maxwell, Mr. Zimmermann stated that the property adjoins the existing UPS facility on Osborne Lane, that the underlying zoning would remain commercial, and that the conditional use permit would specifically authorize the location of an apartment development on the property.

The public hearing was opened.

Mr. Eric Jones, 2909 Bexar Grass, Bryan, came forward to speak in favor of the CUP. He stated that although he wrote the letter previously submitted to the Commission, but that he has done research on these projects, and he would prefer the apartment complex on the property rather than another commercial use. He stated that he will be attending the City Council meeting to protest the zoning for Prairie Drive because the high density development will reduce property values and lead to congestion.

Mr. Michael Lankford, developer of the proposed apartment complex, came forward to speak in favor of the request. He stated that although it is a multifamily development, it is a group of one story four-plexes in a gated complex so it fits more along the lines of a single family subdivision. He stated that it will be age-restricted, and although it is technically affordable housing, they do background and criminal checks on all its inhabitants. He stated that he would be happy to limit the boundary or fence lines to address neighborhood concerns.

Responding to a question from Commissioner Horton, Mr. Lankford said that his other development in College Station is located at Dartmouth and Krenk Tap Road.

Responding to a question from Commissioner Davila, Mr. Lankford reiterated that the complex would be restricted to age 55+, and that it is a relatively low density development at less than 9 units per acre. He stated that in the program under the Texas Department of Housing and Community Affairs, he has to maintain a Land Use Restricted Agreement to maintain affordability and age restriction for 15 and 40 years. He also stated that historically, the elderly do not own cars and he will provide van transportation for the residents; he said he would rather put a green area versus concrete parking spaces.

Responding to a question from Vice-Chairperson Parks, Mr. Zimmermann stated that there is generally no buffer required between residential uses, but that this would be a larger buffer than normally would be required because of the underlying commercial zoning of the subject property.

Responding to a question from Commissioner Parks, Mr. Lankford stated that he has started putting in oversized parking spaces for the elderly, and that every unit has at least one covered parking space. He stated that historically he has never had an issue with not having enough parking spaces.

Responding to a question from Commissioner Davila, Mr. Zimmermann stated that the Commission could add to the conditions recommended by staff. Mr. Lankford stated that a higher fence is not a problem, and another possibility is to put a fence along the setback and eliminate the alley in the buffer while raising the fence level.

Mr. Eric Jones addressed the property and plat position on the map, and stated that if the developer is willing to help restrict kids from coming onto the property, it would be a great help.

The public hearing was closed.

After clarification on procedures for changing a motion from Mr. Gary, **Commissioner Maxwell moved to approve CU08-01, based on the findings and subject to the conditions recommended by staff. Commissioner Horton seconded the motion.**

Commissioner Maxwell stated that the Commission could go through the conditions on the staff report and accept any changes into his motion.

Conditions #1-5 were accepted as presented in the staff report. By consensus, an additional condition was added to read as follows:

“That a privacy fence of at least 8 feet in height shall be required on the property line where this development adjoins residential properties in the Allen Park and Symphony Park subdivisions.”

Responding to a concern from Commissioner Beckendorf, Mr. Zimmermann stated that ordinary standards require a 6 foot opaque privacy fence.

Responding to a question from Commissioner Bond, Mr. Zimmermann stated that the applicant appears to have no objections to providing an 8-foot high fence in the specified locations.

Commissioner Beckendorf remarked that he thinks that the property is safe with a one year expiration as far as the permit applying to the land.

Commissioner Maxwell accepted the amendment to his motion to include the additional condition. Commissioner Horton seconded the amendment.

Vice-Chairperson Parks asked if there was any additional discussion. There was none.

The motion passed with unanimous vote.

9. ADJOURN

Without objection, Vice-Chairperson Parks adjourned the meeting at 7:29 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the 7th day of **August, 2008**.

John R. Clark, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission